

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Joseph MAGGIOLINO Date : December 31, 2003

Reissue of U.S. Patent : 6,337,591 Group Art Unit : ---

Serial No. : To Be Assigned Examiner : ---

Filed : To Be Assigned

For : CIRCUITRY FOR A HIGH VOLTAGE LINEAR CURRENT SENSE IC

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**Box Reissue**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**COMBINED DECLARATION AND POWER OF  
ATTORNEY FOR REISSUE PATENT APPLICATION**

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; and that I believe that I am the original inventor of the subject matter which is claimed in the U.S. Patent 6,337,591 issued January 8, 2002, and for which a reissue patent is sought on the invention entitled: "CIRCUITRY FOR A HIGH VOLTAGE LINEAR CURRENT SENSE IC", the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by the Reissue Submission, which is also attached.

I acknowledge the duty to disclose all information known to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code §119(e) to the provisional applications listed below:

<u>Application Number</u>	<u>Date of Filing</u>
60/130,648	23 April 1999
60/166,727	22 November 1999
60/166,728	22 November 1999

I believe that the original patent is partly inoperative or invalid by reason of claiming less than I had the right to claim in the patent. The final paragraph of claim 1 is not part of the invention and, accordingly, claim 1 is both unduly narrow, and invalid under 35 U.S.C. 112, paragraph 1. Therefore, I have claimed less than I had the right to claim in the patent.

### **Background**

Claim 1 was amended in a Preliminary Amendment filed November 20, 2000. The amendment was intended merely to improve the form of claim 1 without changing its scope.

However, the Preliminary Amendment added an erroneous final paragraph to claim 1, namely: "a recovery circuit for reconstructing the analog input signal at the second voltage level".

An Office Action was issued May 18, 2001. The Examiner found several claims allowable, but made a rejection under 35 U.S.C. 112, para. 2. In an amendment filed July 20, 2001, the §112 rejection was addressed, and the allowable claims were placed in independent form without changing their scope. However, the amended claim 1 in the amendment filed July 20, 2001 still contained the error.

In response to the July 2001 amendment, the application was allowed on August 27, 2001.

The error in claim 1 was noticed in the process of preparing the application for issue. A Rule 312 Amendment was filed November 19, 2001. The Rule 312 Amendment described the foregoing facts and noted that "The erroneously claimed element of 'a recovery circuit for reconstructing the analog input signal at the second voltage level' not only lacks support in the present application but is in fact contradicted by the specification on page 6, line 10, which states that the 'recovery of the digital PWM data' is performed at the lower reference

potential.’ Accordingly, the present Rule 312 Amendment is necessary and proper to avoid a lack of support problem under 35 U.S.C. §112, first paragraph.”

Although the U.S.P.T.O. received the Rule 312 Amendment on November 19, 2001, before payment of the issue fee, the PTO did not enter or respond to the Rule 312 Amendment, and the patent issued January 8, 2002 with the erroneous final paragraph still present in claim 1.

A request for issuance of a Certificate of Correction was filed July 1, 2003, but was denied in a decision dated October 17, 2003.

### **Insufficiency in the Claims**

Claim 1 in the issued patent contains an erroneous final paragraph, namely “a recovery circuit for reconstructing the analog input signal at the second voltage level.” This paragraph is not part of the invention, and more specifically it is not supported by the specification. Thus, the scope of claim 1 is unduly narrow, narrower than required by the prior art of record; and further claim 1 is invalid under 35 U.S.C. §112, paragraph 1.

### **How the Error Arose**

The error arose, first, by the inadvertent insertion of the erroneous final paragraph, “a recovery circuit for reconstructing the analog input signal at the second voltage level,” into claim 1 in the Preliminary Amendment; and second, by the PTO’s failure to process the Rule 312 Amendment which was submitted to correct the error.

### **The Revised Claim 1**

After deletion of the erroneous final paragraph, claim 1 will read as follows:

A current sense integrated circuit, comprising:

an amplifier circuit for receiving and amplifying a differential analog input signal at a first voltage level containing current sense information, wherein the amplifier circuit includes a circuit to minimize inherent temperature offset drift;

a pulse width modulator circuit for converting the differential analog input signal to a pulse width modulated signal at the first voltage level; and

a level shift circuit for converting the pulse width modulated signal from the first voltage level to a second voltage level.

The revised claim is supported in the original disclosure by original claims 1 and 2.

Further, the revised claim is neither disclosed nor suggested by the prior art of record.

### **Conclusion**

For all the foregoing reasons, allowance of this reissue application including the amended Claim 1 and the original claims 2-4 is respectfully requested.

All errors being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on our part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint OSTROLENK, FABER, GERB & SOFFEN, LLP, customer No. 2352, and the members of the firm, Samuel H. Weiner - Reg. No. 18,510; Robert C. Faber - Reg. No. 24,322; Max Moskowitz - Reg. No. 30,576; James A. Finder - Reg. No. 30,173; William O. Gray, III - Reg. No. 30,944; Louis C. Dujmich - Reg. No. 30,625, and Douglas A. Miro - Reg. No. 31,643, as attorneys with full power of substitution and revocation to prosecute this application, to transact all business in the Patent & Trademark Office connected therewith and to receive all correspondence.

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**CONSENT OF ASSIGNEE AND STATEMENT  
UNDER 37 C.F.R. § 3.73(b)**

Sir:

International Rectifier Corporation, the sole owner of U.S. Patent No. 6,337,591, by virtue of the assignment executed July 20, 2000 by Joseph Maggiolino, and recorded August 2, 2000 at reel 11008, frame 305, hereby consents to the filing of an application for reissue of said patent, and requests the issuance of a reissue patent to said owner.

The undersigned is authorized to sign this Consent of Assignee on behalf of the patent owner.

Dated: \_\_\_\_\_

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Donald R. Dancer, Esq.  
Vice President and General Counsel